

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**RUSSELL WALTON,  
Plaintiff**

**v.**

**CAROLYN W. COLVIN,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,  
Defendant**

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**No. 9:16-CV-16**

**ORDER OVERRULING OBJECTIONS AND ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on February 14, 2017 (Doc. No. 21) and the Plaintiff's objections. (Doc. No. 22.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.<sup>1</sup> The court concludes that the magistrate judge correctly identified and discussed the points of error argued by

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1. The Plaintiff's objection to the Report and Recommendation initially sets out objections to the ALJ's credibility, RFC, and ability to work. However, the only discussion in the objection is the alleged errors in weighing the medical opinion evidence of Dr. Tomaszek and the alleged errors in finding that Walton can perform light work. Plaintiff does not take into account that the ALJ set forth numerous reasons for discounting Plaintiff's credibility, including the medical evidence, Walton's physical ability complaints, and his daily activities. The ALJ properly considered the medical records of the surgeon, Dr. Tomaszek and discusses the same at length. Substantial evidence supports the RFC, and the hypothetical to the vocational expert included all of the limitations found to exist by the ALJ.

plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's credibility assessments, residual functional capacity, determination of weight accorded to medical evidence, and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**So ORDERED and SIGNED this 28th day of March, 2017.**

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge